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DATE MAILED: 06/05/2009

### NOTICE OF ALLOWANCE AND FEE(S) DUE

23117 7590 6605/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203

EXAMINER									
VIVLEMOR	E, TRACY ANN								
ART UNIT	PAPER NUMBER								
1635									

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,818	07/19/2006	Marie Dutreix	BJS-3665-177	2272
TITLE OF INVENTION: N	UCLEIC ACID USEFUL F	OR TRIGGERING TUMOR CELL LETHALITY		

APPIN, TYPE SMALL ENTITY ISSUE FEE DUE PUBLICATION FEE DUE PREV. PAID ISSUE FEE TOTAL FEE(S) DUE DATE DUE

nonprovisional NO S1510 S300 S0 S1810 09/08/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUIEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW

#### HOW TO REPLY TO THIS NOTICE:

DUE.

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

B. If the status above is to be removed, check box 5b on Part B Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and I/2 the ISSUE FIEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

#### PART B - FEE(S) TRANSMITTAL

# Complete and send this form, together with applicable fee(s), to: Mail Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where

appropriate. All further indicated unless corrects maintenance fee notifica	correspondence includir ed below or directed oth tions	ng the Patent, advance on nerwise in Block 1, by (a	rders and notification of a) specifying a new corre	maintenance fees v espondence address	vill be and/o	mailed to the current r (b) indicating a sepa	correspondence address a arate "FEE ADDRESS" fo				
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APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR	3	ATTC	RNEY DOCKET NO.	CONFIRMATION NO.				
10/576,818 TITLE OF INVENTION	07/19/2006 I: NUCLEIC ACID USE	FUL FOR TRIGGERING	Marie Dutreix TUMOR CELL LETHA	LITY		BJS-3665-177	2272				
APPLN, TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSU	E FEE TOTAL FEE(S) I		DATE DUE				
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VIVLEMORE,	TRACY ANN	1635	514-044000	_							
"Fee Address" ind PTO/SB/47; Rev 03-0 Number is required.  3. ASSIGNEE NAME A	ondence address (or Cha 3/122) attached. ication (or "Fee Address 12 or more recent) attach ND RESIDENCE DAT2 less an assignee is ident h in 37 CFR 3.II. Comp	nge of Correspondence  "Indication form ted. Use of a Customer  A TO BE PRINTED ON	2. For printing on the (1) the names of up to or agents OR, alternat (2) the name of a sing registered attorney or 2 registered patent attributed, no name will be THE PATENT (print or ty data will appear on the programme	o 3 registered pater ively, the firm (having as a agent) and the nam orneys or agents. If e printed. (pe) patent. If an assign assignment.	memb es of u no nan	p to p to see is 3dentified below, the d	ocument has been filed fo				
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NOTE: The Issue Fee an interest as shown by the	d Publication Fee (if req records of the United Sta	uired) will not be accepte tes Patent and Trademark	d from anyone other than Office.	the applicant; a regi	stered	attorney or agent; or th	ne assignee or other party in				
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NIXON & VAN	DERHYE, PC		VIVLEMORE, TRACY ANN				
	BE ROAD, 11TH FLO	OR	ART UNIT	PAPER NUMBER			
ARLINGTON, VA	x 22203		1635				

DATE MAILED: 06/05/2009

# Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 172 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 172 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

## Application No. Applicant(s) 10/576 818 DUTREIX ET AL. Notice of Allowability Examiner Art Unit Tracy Vivlemore 1625 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. This communication is responsive to the amendment of 5/26/09. The allowed claim(s) is/are 17-20,22-30,32-38,40 and 41. 3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) 🔯 All b) ☐ Some\* c) ☐ None of the: 1. A Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). \* Certified copies not received: \_\_\_\_\_. Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. | Notice of References Cited (PTO-892) 5. Notice of Informal Patent Application 2. Notice of Draftperson's Patent Drawing Review (PTO-948) Interview Summary (PTO-413), Paper No./Mail Date Information Disclosure Statements (PTO/SB/08). 7. Examiner's Amendment/Comment Paper No./Mail Date 4. T Examiner's Comment Regarding Requirement for Deposit 8. T Examiner's Statement of Reasons for Allowance of Biological Material

9. Other \_\_\_\_.
/Tracy Vivlemore/
Primary Examiner, Art Unit 1635



Application/Control No. 10/576.818

Examiner Tracy Vivlemore Applicant(s)/Patent under Reexamination DUTREIX ET AL. Art Unit

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(Assistant Examiner) (Date)	/Tracy Vivlemore/	Total Claims Allowed: 22					
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